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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,853	01/16/2004	Mark E. Peters	RSW9-2003-0243US1 (7161-1)	6950
46320 7590 08/15/2007 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER FIELDS, BENJAMIN S	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 08/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/758,853

Applicant(s)

PETERS, MARK E.

Examiner

BENJAMIN S. FIELDS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 25 July 2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (US PG Pub. No. 2002/0032616), [hereinafter Suzuki].

Referring to Claim 1: Suzuki shows a mobile server wallet provider (MSWP) portal comprising: a configuration for communicative coupling both to a plurality of MSWP's and also a content proxy [server] (Suzuki: Figures 3-4, 6-7; Page 2, Paragraph 0030//These Figures depict a system which is capable of facilitating the transactions between multiple MSWP's where a content proxy [server] would allow retrieval of various amounts of information regarding the MSWP//); a composite profile generator configured to combine a plurality of MSWP profiles into a single, composite profile for routing payment messages in said proxy [server] to the MSWP portal (Suzuki: Page 2, Paragraph 0021, 0030//Suzuki refers to a system which combines multiple MSWP's and allows for financial transactions to take place//); and, selection logic configured to process a user selection of one of said MSWP's to process a payment transaction received through said proxy [server] (Suzuki: Figures 3, 4, 7; Page 2, Paragraph 0020-0023//Upon verification of receipt, a payment transaction process occurs with the system//).

Referring to Claim 2: Suzuki discusses a portal [communication device], wherein said content proxy [server] is a wireless service proxy [server] (Suzuki: Page 1, Paragraphs 0008-0011; Page 4, Paragraph 0049//Suzuki discloses a system which consists of a wireless service proxy via the Internet - Various communication devices are mentioned which are capable of maintaining wireless service proxy transmission//).

Referring to Claim 3: Suzuki discloses a portal, wherein the WSP comprises a filter plug-in configured to route said payment messages to the portal when said payment messages match rules specified within said composite profile (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes place within the network, payment messages are routed back and forth via the system//).

Referring to Claim 4: Suzuki teaches a payment transaction system comprising: a plurality of mobile server wallet providers (MSWP's) coupled to respective on-line financial institutions (Suzuki: Figures 3-4, 6-7; Page 2, Paragraphs 0024, 0030; Page 4, Paragraphs 0052-0053//Suzuki depicts a system which combines multiple MSWP's, and allows for financial transactions to take place which have a relation with multiple financial institutions of varying types//); at least one content proxy [server] configured for coupling both to on-line merchants and to end user customers of said on-line merchants (Suzuki: Figure 1(#40); Page 3, Paragraph 0048; Page 4, Paragraphs 0053//The system as disclosed can be utilized by both on-line merchants and end-users//); and, at least one MSWP portal disposed between the MSWP's and at least

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one content proxy [server] (Suzuki: Page 2, Paragraphs 0021, 0030; Page 3, Paragraph 0031).

Referring to Claim 5: Claim 5 is rejected under the same basis, as is Claim 2 as mentioned supra.

Referring to Claim 6: Suzuki discusses a system, wherein said content proxy [server] further comprises a filter plug-in configured to route payment messages to said MSWP portal when said payment messages match rules specified within a profile provided to said filter plug-in by said MSWP portal (Suzuki: Page 2, Paragraphs 0028-0029; Page 3, Paragraphs 0033-0038//After authentication takes place within the network, payment receipt messages are routed back and forth throughout the system//).

Referring to Claim 7: Suzuki discloses a method for processing a payment transaction in a mobile commerce system (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//Suzuki discloses a e-commerce payment transaction system and method//), the method comprising the steps of: processing a payment message in a portal to identify one of a selection of mobile server wallet providers to handle an associated payment transaction (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//A payment transaction is dedicated to a given mobile server wallet//); and, routing said payment message to said payment message to an identified one of said MSWP's (Suzuki: Page 2, Paragraphs 0016, 0023; Page 4, Paragraphs 0052-0053//A unique identifier is traced with the payment transactional information//).

Referring to Claim 8: Suzuki teaches a method, comprising the steps of: combining individual MSWP profiles for each of said MSWP's into a composite

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profile (Suzuki: Page 2, Paragraph 0021, 0030//Suzuki refers to a system which combines multiple MSWP's and allows for financial transactions to occur//); and, providing said composite profile to a content proxy [server] for use in trapping payment messages passing through said content proxy [server] between an on-line merchant and a customer in the mobile commerce system (Suzuki: Page 2, Paragraphs 0021, 0030; Page 3, Paragraph 0031//Provisions are made within the Suzuki method for transactions to take place between a customer and a merchant in an e-commerce environment//).

Referring to Claim 9: Suzuki shows a method of processing comprising the steps of: identifying a customer associated with said payment message (Suzuki: Page 2, Paragraphs 0016, 0021, 0028//Suzuki teaches a system where a user [customer] is identified//); parsing a profile associated with said customer to determine a selection of preferred MSWP's (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060//Suzuki displays a system which allows a selection of various MSWP's//); rendering a user interface presenting said selection of preferred MSWP's to said customer (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060); and, selecting a particular one of said preferred MSWP's to handle said associated payment transaction based upon data provided by said customer in said user interface (Suzuki: Page 5, Paragraphs 0061-0064//A financial payment transaction occurs at this juncture in the system, upon final selection of a MSWP//).

Referring to Claim 10: Suzuki discusses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a

customer (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a customer are described//).

Referring to Claim 11: Suzuki discloses a method comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a merchant associated with said payment transaction (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a merchant are described//).

Referring to Claim 12: Suzuki teaches a method wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWP's (Suzuki: Page 2, Paragraphs 0016-0017//While no 'formal' guarantee is expressly mentioned by Suzuki, the transaction will not terminate until payment has been received, hence, a payment guarantee is in effect//).

Referring to Claim 13: Suzuki shows a machine readable storage having stored thereon a computer program for processing a payment transaction in a mobile commerce system (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//), the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of: processing a payment message in a portal to identify one of a selection of mobile server wallet providers (MSWP's) to handle an associated payment transaction (Suzuki: Page 2, Paragraph 0016; Page 3, Paragraphs 0031-0032//A payment transaction is dedicated to a given mobile server wallet//); and routing said payment message to said payment

message to an identified MSWP's (Suzuki: Page 2, Paragraphs 0016, 0023; Page 4, Paragraphs 0052-0053//A unique identifier is traced with the payment transactional information//).

Referring to Claim 14: Suzuki discusses a machine readable storage (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//) further comprising the steps of: combining individual MSWP profiles for each of said MSWP's into a composite profile (Suzuki: Page 2, Paragraph 0021, 0030//Suzuki refers to a system which combines multiple MSWP's and allows for financial transactions to occur//); and, providing said composite profile to a content proxy for use in trapping payment messages passing through said content proxy between an on-line merchant and a customer in the mobile commerce system (Suzuki: Page 2, Paragraphs 0021, 0030; Page 3, Paragraph 0031//Provisions are made within the Suzuki method for transactions to take place between a customer and a merchant in an e-commerce environment//).

Referring to Claim 15: Suzuki teaches a machine readable storage (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//) wherein said processing step comprises the steps of: identifying a customer associated with said payment message (Suzuki: Page 2, Paragraphs 0016, 0021, 0028//Suzuki teaches a system where a user [customer] is identified//); parsing a profile associated with said customer to determine a selection a preferred MSWP's (Suzuki: Figure 3-Also See



Page 4, Paragraphs 0059-0060//Suzuki displays a system which allows a selection of various MSWP's//); rendering a user interface presenting said selection of preferred MSWP's to said customer (Suzuki: Figure 3-Also See Page 4, Paragraphs 0059-0060); and, selecting a particular one of said preferred MSWP's to handle said associated payment transaction based upon data provided by said customer in said user interface (Suzuki: Page 5, Paragraphs 0061-0064//A financial payment transaction occurs at this juncture in the system, upon final selection of a MSWP//).

Referring to Claim 16: Suzuki discloses a machine readable storage (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//) further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to said customer (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a customer are described//).

Referring to Claim 17: Suzuki teaches a machine readable storage (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//) further comprising the step of relaying payment transaction data produced by said selected one of said preferred MSWP's to a merchant associated with said payment transaction (Suzuki: Page 3, Paragraph 0021; Page 8, Paragraphs 105, 106, 110//Communication between a MSWP and a merchant are described//).

Referring to Claim 18: Suzuki shows a machine readable storage (Suzuki: Page 1, Paragraph 0009//Suzuki discloses software and a terminal which can be utilized to facilitate payment transactions, hence, "machine readable storage"//) wherein said relaying step comprises the step of relaying a payment guarantee to said merchant by said selected one of said preferred MSWP's (Suzuki: Page 2, Paragraphs 0016-0017//While no 'formal' guarantee is expressly mentioned by Suzuki, the transaction will not terminate until payment has been received, hence, a payment guarantee is in effect//).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steed et al. (US PG. Pub. No. 2002/0107755) teach a server-based electronic wallet system.

Schuba et al. (US PG. Pub. No. 2002/0052842) show initiation of an electronic payment transaction.

Any inquiry concerning this communication should be directed to Benjamin S. Fields at telephone number 571.272.9734. The examiner can normally be reached Monday through Thursday, 9am to 7pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached at (571) 272-

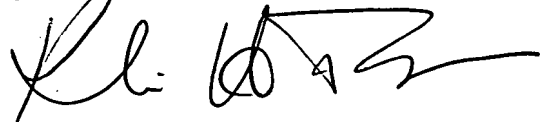
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6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields  
24 July 2007

KHOI H. TRAN  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Khoi H. Tran', is written over the printed name and title.